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REMARKS

Status Summary

In this amendment, no claims are added. Claims 11-21, 51-60, 67, 68, 77 and 78 have been canceled in response to the Examiner's request that the claims withdrawn by Applicants' response to the restriction requirement be canceled. Therefore, claims 1-10, 22-50, 61-66 and 69-76 are pending.

A clarifying amendment has been made to claim 35 to correct an antecedent basis error. In particular, "communication" in line 7 of claim 35 has been replaced with "communications" to be consistent with the remaining references in the claim to the communications medium. Entry of this amendment is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, 6, 10, 22-23, 25, 28-33, 42, 45-47, 61-65, 69, 71 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,718,178 to Sladek et al. (hereinafter, "Sladek") in view of U.S. Patent No. 6,611,516 to Pirkola et al. (hereinafter, "Pirkola"). This rejection is respectfully traversed.

Independent claims 1, 5, 22, 29, and 42 recite methods, presence registration and routing nodes, and computer program products for deriving presence information from telephony related actions and forwarding the presence information to a presence server or presence server database. For example, independent claim 1 recites that SS7 message is received in response to a telephony related action. Next, it is determined whether presence registration processing is required for a target end user. In response to determining that presence registration is required, a presence

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registration message is generated. The presence registration message includes presence information usable by a presence server for automatically indicating to the end users who are subscribed to the target end user in a presence database a presence status for the target end user. The presence registration message is then sent to a presence server.

Neither Sladek nor Pirkola has anything to do with the presence protocol, not to mention generating a presence registration message based on a telephony related action. The presence protocol is a protocol whereby information regarding a subscribed-to entity is stored in a presence database. When the information changes or when someone subscribes to the entity, the presence information is communicated to the subscriber. The presence protocol is distinct from mobile or PSTN signaling protocols that access or store subscriber information in a database because there is no concept of a presence subscription or presence information in such protocols. Rather than teaching a method that relates to deriving presence information from a telephony related action, Sladek relates to a method for automatically delivering SMS messages to the calling party (see, e.g., column 15, line 14 of Sladek), the called party (see, e.g., column 15, line 7 of Sladek), or a third party (see, e.g., column 8, lines 39-52 of Sladek), in response to a call processing event. SMS messages are text messages delivered over the telecommunications signaling network. Automatically delivering such messages has nothing to do with generating presence status information based on a telephony-related action or forwarding a presence registration message to a presence database, as claimed. Instead of generating presence information usable by a presence server to notify entities subscribed to a target subscriber of a presence status

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of the target subscriber, Sladek teaches contacting an HLR to obtain subscriber location information. For example, Sladek states:

> In particular, CPE may be programmed to send an IS-41 SMS_Req message to the HLR of SME 24 (possibly via one or more other HLRs), and to receive a response SMS_Req message from the HLR, providing the SMS address of the SME 24 (assuming the destination SME is available). (See column 12, lines 24-29 of Sladek.)

From this passage, Sladek teaches that the CPE queries an HLR to obtain the destination entity or SME location. Querying the HLR for each SMS delivery is fundamentally different from generating presence information usable by a presence server for notifying subscribers of a target entity of the presence status of the target entity. An HLR is a mobile communications network entity that stores mobile subscription information. An HLR responds to queries from MSCs and is updated by messages from VLRs. HLRs do not store presence status, HLRs do not allow subscribers to subscribe to other subscribers, and HLRs do not communicate with end users. A presence server is an IP network entity that stores presence status, allows subscribers to subscribe to other subscribers, and communicates with end users. Moreover, it is believed that there is no defined procedure for updating presence status regarding a target end user in a presence server as there is for updating subscriber location information in an HLR, not to mention updating presence status based on a telephony-related action. Thus, for these reasons, Sladek fails to teach the invention as claimed.

In paragraph (c) on page 4, the Official Action indicates that Figure 8, reference 42, 44 and 48, and column 14, line 37 through column 15, line 7 of Sladek disclose

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automatically generating presence information usable by a presence server for notifying subscribers of a target user of the presence status of the target user as claimed. Applicants respectfully disagree. Reference numeral **42** in Figure 8 of <u>Sladek</u> indicates SMS logic in CCP **34** that performs the automatic SMS delivery mechanism described above. Reference numeral **44** in Figure 8 of <u>Sladek</u> is a subscriber profiles database that indicates whether a subscriber subscribes to automatic SMS messaging. (See column 13, lines 40-41 of <u>Sladek</u>.) There is absolutely no teaching or suggestion that subscriber profiles database **44** stores presence information as claimed. Reference numeral **48** in Figure 8 of <u>Sladek</u> represents a mobile handset. Nowhere does the description of reference **48** indicate deriving, storing, or delivering presence information with regard to mobile handset **48**. Column 14, line 37 through column 15, line 7 of <u>Sladek</u> describes a process by which SMS logic **42** determines what type of SMS messages to automatically send to a subscriber. There is absolutely no teaching or suggestion of determining presence information for the subscriber. Accordingly, the portions of <u>Sladek</u> cited in the Official Action fail to teach any of the elements in paragraph (c) of claim **1** or the corresponding elements in the remaining independent claims.

<u>Pirkola</u> fails to teach the elements of claims 1, 5, 22, 29, and 42 missing from <u>Sladek</u>. <u>Pirkola</u>, like <u>Sladek</u> has nothing to do with presence information, not to mention deriving presence information based on telephony related action as claimed. In contrast, <u>Pirkola</u> is directed to a system for maintaining updated status and location information in a subscriber's home function each time the subscriber changes locations. In Figure 2 of <u>Pirkola</u>, the home function **266** is simply the gateway MSC and the HLR

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264 that serve the subscriber. The subscriber terminal monitors one or more predetermined channels for broadcast information identifying a sub-network or a location area. Based on this information, a subscriber or the subscriber terminal can determine whether the subscriber has changed locations by comparing the subscriber's current location to his previous location. If the subscriber has changed locations, the subscriber is required to register with a new visited function at the new location.

In Figure 2 of Pirkola, the visited function 274 is simply the VLR 270 and the MSC serving the subscriber. With regard to subscriber registration, Pirkola states that the visited function provides the subscriber's current location to the home function for the purpose of delivering calls to the subscriber. (See column 13, lines 1-21 of Pirkola). From these passages, Pirkola, like Sladek, is directed to updating mobile subscriber location information in HLRs and VLRs and has nothing to do with updating presence information with a presence server. Thus, Pirkola, like Sladek, fails to teach or suggest generating presence information, generating a presence registration message, or forwarding the presence registration message to a presence server as claimed. Accordingly, because Sladek and Pirkola fail to teach the invention as claimed, it is respectfully submitted that the rejection of the claims based on Sladek in view of Pirkola should be withdrawn.

Claims 2-3, 27, and 43-44 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Pirkola and further in view of U.S. Patent No. 6,430,176 to Christie, IV (hereinafter, "Christie"). This rejection is respectfully traversed.

As stated above, neither Sladek nor Pirkola teaches or suggests a method, a system, a presence registration and routing node, or a computer program product that

automatically generates presence information based on a telephony-related action performed by a target subscriber and forwards the presence registration message to a presence server. Christie likewise lacks such teaching or suggestion. Christie, like Sladek and Pirkola has nothing to do with the presence protocol. Rather, Christie is directed to a method for integrating high quality PSTN voice communications and data communications. According to Christie, ISUP messages are used in combination with H.323 messages to set up a voice call and a data call between end users. (See Figure 3 of Christie.) There is absolutely no teaching or suggestion of automatically generating presence information or forwarding a presence registration message to a presence server as claimed in the independent claims of the present application. In addition, the fact that Christie discloses that the ISUP protocol is used to perform call setup does not render the obvious dependent claims that relate to using ISUP messages to trigger presence registration. As described above, Figure 3 of Christie simply discloses that the ISUP protocol is used to perform call setup, which is the normal function of the ISUP protocol. There is absolutely no teaching or suggestion of using any ISUP messages to trigger presence registration. Accordingly, for these reasons, it is respectfully submitted that the rejection of claims 2, 3, 27, 43, and 44 as unpatentable over Sladek in view of Pirkola and further in view of Christie should be withdrawn.

Claims 7-9, 24, 26, 34, 48-50, 66, 70, 72, and 76 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sladek in view of Pirkola and further in view of U.S. Patent No. 6,564,261 to Gudjonsson et al. (hereinafter, "Gudjonsson"). This rejection is respectfully traversed.

As stated above with regard to the rejection of the independent claims, Sladek and Pirkola fail to teach automatically generating presence information based on a telephony-related action or transmitting a presence registration message including the presence information to a presence server. Gudjonsson likewise lacks such teaching or suggestion. Gudjonsson, like Sladek and Pirkola, has nothing to do with deriving or updating presence information stored by a presence server. Rather, Gudjonsson is directed to a communications network where a cluster of servers 1 allows users to set up multimedia communications with other users. The Official Action correctly notes that Gudjonsson discloses both the session initiation protocol (SIP) and the instant messaging and presence protocol (IMPP). However, Gudjonsson does nothing to connect these protocols as claimed in the claims of the present application. For example, claim 7 depends from claim 1 and recites that the IP message sent to the presence server is a SIP message. Thus, claim 7, when read with claim 1 recites generating a SIP message to update presence registration information based on an SS7 message. In contrast, Gudjonsson recites only the conventional use of the SIP and IMPP protocols. For example, with regard to the SIP protocol, Gudjonsson states:

> When a user 7 wishes to establish a communication with another user, he/she will invoke some function within his/her client 11, requesting the client to send an invitation of a given type to some selected user. The user client will then form the correct SIP message and send it to the special service within the cluster, called the routing service. (See column 9, lines 13-19 of Gudjonsson.)

From this passage, Gudjonsson states that SIP is used to set up sessions between end users. This is the normal use of the SIP protocol. There is absolutely no teaching or suggestion of using SIP to perform a presence registration.

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With regard to the IMPP protocol, <u>Gudjonsson</u> states:

> Various companies have created networks running on top of the Internet that allow users to send each other short text messages and monitor the status of other users, where the status is usually defined as whether a user is currently connected to a network or not. This kind of functionality is current being considered as the IETF standard called IMPP (instant messaging and presence protocol). (See column 2, lines 16-22 of <u>Gudjonsson</u>.)

The above quoted passage from <u>Gudjonsson</u> merely states that the IMPP protocol is used to communicate status information regarding whether or not users are connected to a network. This is the normal use of the IMPP protocol. There is absolutely no teaching or suggestion of updating presence information using a SIP message, for example as claimed in claim 7 or of updating presence information to allow users to communicate with other users via an instant messaging protocol based on SS7 messages, for example, as claimed in claim 66. Accordingly, it is respectfully submitted that the rejection of the claims that relate to SIP and instant messaging protocols as unpatentable over <u>Sladek</u> in view of <u>Pirkola</u> and further in view of <u>Gudjonsson</u> should be withdrawn.

Allowable Subject Matter

In the Official Action, claims 35-41 and 73-74 are allowed. No changes are made to these claims. Accordingly, these claims should remain allowed. Accordingly, a Notice of Allowance is respectfully requested.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and such action is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.
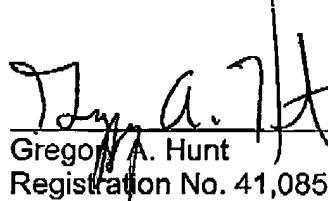
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: December 2, 2005   By: _____

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